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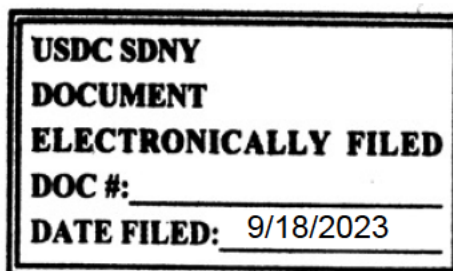
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September 6, 2023

VIA ECF

The Honorable Robert W. Lehrburger
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Suite 1960
New York, NY 10007



Re: **NextEra Energy Marketing, LLC v. Macquarie Energy LLC, No. 1:22-cv-01345-VM-RWL**

Dear Judge Lehrburger:

Pursuant to Rule 3.G of Your Honor's Individual Practices, NextEra respectfully moves the Court for approval of the redaction of NextEra's concurrently filed letter motion to compel and sealing of Exhibit 9 to the same.

In ruling on a motion to seal, the Court must consider "the privacy interests of those resisting disclosure." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (quoting *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995)). Those interests include a company's business need to protect confidential, commercially sensitive information. Courts routinely find such business privacy concerns to outweigh the public's interest in access to judicial documents, and accordingly permit parties to file such materials under seal. *See, e.g., GoSMiLE, Inc. v. Levine*, 769 F. Supp. 2d 630, 649-50 (S.D.N.Y. 2011) (permitting sealing of "highly proprietary material" concerning a corporate party's marketing strategies, product development, costs, and budgeting); *Tropical Sails Corp. v. Yext, Inc.*, 2016 WL 1451548, at *4 (S.D.N.Y. Apr. 12, 2016) (sealing exhibits relating to "marketing and business development activities" that would cause defendant "competitive injury" if disclosed); *Encyclopedia Brown Prods., Ltd. v. Home Box Off., Inc.*, 26 F. Supp. 2d 606, 614 (S.D.N.Y. 1998) (permitting sealing of "[c]onfidential business information dating back even a decade or more [that] may provide valuable insights into a company's current business practices that a competitor would seek to exploit").

This filing includes discovery materials that implicate the confidentiality interests of both NextEra and Macquarie. Specifically, Exhibit 9 to NextEra's letter motion details priority rankings for delivery of natural gas assigned by Macquarie to various counterparties during Winter Storm Uri in February 2021. Such information is commercially sensitive, potentially related to trade secrets, and should be otherwise protected from public disclosure.

Based on these considerations, NextEra has provisionally filed Exhibit 9 under seal and redacted portions of its letter motion that quote from Exhibit 9. Providing Macquarie does not object, we request an order approving that the marked portions of NextEra's letter motion be filed in redacted form, and that Exhibit 9 to NextEra's letter motion be filed under seal.

Respectfully submitted,

/s/ Sascha N. Rand

Sascha N. Rand

The Clerk of Court is respectfully requested to seal the letter motion at Dkt. 53, as well as Exhibit 9 at Dkt. 53, but the other exhibits should be unsealed.

SO ORDERED:

9/18/2023

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

quinn emanuel urquhart & sullivan, llp

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